

REMARKS

Corrected Filing Receipt

On December 14, 2005, Applicants filed a request for a corrected Filing Receipt with the Office of Initial Patent Examination. However, to date, a corrected Filing Receipt has not been received. Specifically, Applicants requested that the spelling of one of the inventors' names be corrected from "Johiel" to "Jokiel", and that the 371(c) date appearing on the Filing Receipt of November 21, 2005 be corrected from 06/13/05 to 05/28/05.

With respect to the name of inventor Christian Jokiel, the name appears to have been incorrectly transferred from the declaration into the USPTO database. With respect to the 371(c) date, the date of 6/13/05 is incorrect because 371(c)(1), (c)(2) and (c)(4) requirements were fulfilled on 5/28/05. Specifically, the original declaration executed on 12/2/03 was initially filed on 5/28/05 -- a copy thereof as proof is available in PAIR under the entry "05/28/2005 -- Documents submitted with 371 Applications." A second oath was filed on 6/13/05. However, for the purpose of 371(c) requirements the first filed oath should have been accepted.

Applicants respectfully request that the Examiner confirm whether these two corrections have been entered and advise Applicants accordingly.

All outstanding requirements will now be addressed hereinbelow in the order they appear in the Office Action mailed March 13, 2007.

Drawings

1. Applicants note with appreciation the Examiner's statement that the copy of drawings submitted by the International Bureau is acceptable for examination. Applicants believe that

this statement constitutes a withdrawal of the requirement to submit drawings under 37 CFR 1.81(c) made in the Office Action of 11/1/2006.

Claim Objections

Applicants note the Examiner's statement that a copy of 'amended' claims, date-stamped 5/28/05 was relied upon during examination and since those claims were received as the original claims for *this* Application, they were re-numbered prior to the Application being forwarded to the Examiner to be consecutive as required. Applicant submits, however, that the claims that should have been relied on during the initial examination by the Examiner are the claims as amended in the Preliminary Amendment of 09/15/2005 rather than the claims as originally filed on 5/28/05. Since Applicants were canceling certain claims in the Preliminary Amendment of 5/28/05, they did not renumber the remaining claims as required by 37 CFR 1.126 ("When claims are canceled the remaining claims must not be renumbered.") In any event, since the claims were re-numbered sua sponte by the Office, the objection raised in the Office Action of 11/1/2006 is believed to be withdrawn by the Examiner.

Claim Rejections – 35 USC § 112

2 - 4. The Examiner has rejected Claim 17 under 35 USC 112, first and second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner requested clarification with respect to the limitation in Claim 17, because it is not clear "if the 'additional assembly' carries out the latch functions or the latch which 'as best understood', is separate from the additional assembly as it is claimed."

Applicants submit that the additional assembly apart from its original tasks, such as lifting windows, adjusting mirrors, etc. also carries out latch functions, such as i.e. electric opening, closing, double locking/unlocking, engaging/disengaging child lock, central locking, etc. at

the same or at different times. This means that the additional assembly or at least one drive motor of the additional assembly carries out two or several functions. It is, for instance, feasible that the drive of a window lifting mechanism not only produces a desired window position but also activates the connected door latch by electrically opening it. (See specification, e.g., paragraph [0038]). Applicants have amended Claim 17 accordingly.

Applicants respectfully request entry of Applicants' amendments as to Claim 17 and withdrawal of this rejection in light of Applicants' amendments.

Claim Rejections – 35 USC § 102

1 -2. Claims 1, 7, 14, 15, and 21-23 stand rejected under 35 USC 102(e) as being allegedly anticipated by US Patent Application Publication No. 2002/0095870 to Praud. The Examiner has argued that "Praud '870 teaches Applicants' claim limitations including: a 'vehicle door latch' – 7, a 'housing of said vehicle door latch' – as shown in Fig 7 for example, at least one 'additional assembly' – including 1 and 5 at least, 'directly connected to' – 7 is directly connected to 1 as shown and described.

Applicants note that the Examiner equates the additional assembly as claimed by Applicants with the carrier door panel labeled 1 in '870. Contrary to Praud's teachings, however, Applicants' invention specifically rejects the use of a carrier panel for forming a connection between the housing of the vehicle door latch and the additional assembly. See Paragraph [0026] which states in relevant part that "[i]n contrast to DE 100 57 352 A1[,] no additional latch-carrying panel is thus used[]." Because during examination the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification, Claim 1 should be read to specifically exclude the use of a carrier panel for forming a direct connection between the housing of the vehicle door latch and the additional assembly. See MPEP 2111.01.

Although Applicants believe that Claim 1 when properly considered in light of the specification is free of prior art, Applicants have adopted Examiner's implicit suggestion to limit what the Examiner considers to be "broad and generic recitation of 'additional assembly.'" Specifically, Applicants amended Claim 1 to include a claim limitation directed to narrowing the scope of the additional assembly by listing a group of devices from which the additional assembly is to be selected and specifically exclude a carrier door panel as the additional assembly. Applicants have done so solely to expedite the prosecution of this Application.

Because in Applicants' claims, as amended, the additional assembly specifically excludes a door carrier panel, Applicants' Claim 1 and all claims dependent thereon are unanticipated by '870. Applicants believe that Claim 1 as amended and all claims dependent thereon steer far clear from the teachings of '870. Reconsideration and withdrawal of rejection under 35 U.S.C. 102(e) is respectfully requested.

Because Claims 7, 14, 15, and 21-23 depend from Claim 1, they include all the claim limitations of Claim 1. See 37 CFR 1.75. As Claim 1 is unanticipated by Praud, so are claims 7, 12-18, and 21-23.

Claim Rejections – 35 USC § 103

Claims 2-6, 8-11, 19 and 20 stand rejected under 35 USC 103(a) as being allegedly obvious over US Patent Application Publication No. 2002/0095870 to Praud in view of US Patent No. 6,109,674 to Bartel. Applicants respectfully disagree and traverse this rejection to the extent it is maintained over the claims as amended.

Claims 2-6, 8-11, 19 and 20 are all dependent claims depending directly or by further dependencies from Claim 1. Claim 1 has not been rejected under 35 USC 103(a) and is unanticipated as amended by Praud '870 for reasons presented above. Therefore, Applicants respectfully submit that claims 2-6, 8-11, 19 and 20 are also nonobvious under 35 USC 103.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and MPEP 2143.03 stating that “[i]f an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious”. Reconsideration and withdrawal of rejection under 35 USC 103(a) are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Amendments made herein are for the sole purpose of expediting the examination of this application. Applicants reserve the right to pursue in continuing applications claims having an identical or similar scope to those that were pending prior to this amendment. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of *this* submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

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